



Rep. John M. Cabello

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09800HB4795ham001

LRB098 13314 MLW 57297 a

1 AMENDMENT TO HOUSE BILL 4795

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 4795 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Vehicle Code is amended by  
5 changing Section 6-206 and adding Section 11-503.1 as follows:

6 (625 ILCS 5/6-206)

7 Sec. 6-206. Discretionary authority to suspend or revoke  
8 license or permit; Right to a hearing.

9 (a) The Secretary of State is authorized to suspend or  
10 revoke the driving privileges of any person without preliminary  
11 hearing upon a showing of the person's records or other  
12 sufficient evidence that the person:

13 1. Has committed an offense for which mandatory  
14 revocation of a driver's license or permit is required upon  
15 conviction;

16 2. Has been convicted of not less than 3 offenses

1 against traffic regulations governing the movement of  
2 vehicles committed within any 12 month period. Offenses  
3 against traffic regulations governing the movement of  
4 vehicles do not include a conviction of Section 11-503.1 of  
5 this Code or a similar provision of a local ordinance. No  
6 revocation or suspension shall be entered more than 6  
7 months after the date of last conviction;

8 3. Has been repeatedly involved as a driver in motor  
9 vehicle collisions or has been repeatedly convicted of  
10 offenses against laws and ordinances regulating the  
11 movement of traffic, to a degree that indicates lack of  
12 ability to exercise ordinary and reasonable care in the  
13 safe operation of a motor vehicle or disrespect for the  
14 traffic laws and the safety of other persons upon the  
15 highway;

16 4. Has by the unlawful operation of a motor vehicle  
17 caused or contributed to an accident resulting in injury  
18 requiring immediate professional treatment in a medical  
19 facility or doctor's office to any person, except that any  
20 suspension or revocation imposed by the Secretary of State  
21 under the provisions of this subsection shall start no  
22 later than 6 months after being convicted of violating a  
23 law or ordinance regulating the movement of traffic, which  
24 violation is related to the accident, or shall start not  
25 more than one year after the date of the accident,  
26 whichever date occurs later;

1           5. Has permitted an unlawful or fraudulent use of a  
2 driver's license, identification card, or permit;

3           6. Has been lawfully convicted of an offense or  
4 offenses in another state, including the authorization  
5 contained in Section 6-203.1, which if committed within  
6 this State would be grounds for suspension or revocation;

7           7. Has refused or failed to submit to an examination  
8 provided for by Section 6-207 or has failed to pass the  
9 examination;

10          8. Is ineligible for a driver's license or permit under  
11 the provisions of Section 6-103;

12          9. Has made a false statement or knowingly concealed a  
13 material fact or has used false information or  
14 identification in any application for a license,  
15 identification card, or permit;

16          10. Has possessed, displayed, or attempted to  
17 fraudulently use any license, identification card, or  
18 permit not issued to the person;

19          11. Has operated a motor vehicle upon a highway of this  
20 State when the person's driving privilege or privilege to  
21 obtain a driver's license or permit was revoked or  
22 suspended unless the operation was authorized by a  
23 monitoring device driving permit, judicial driving permit  
24 issued prior to January 1, 2009, probationary license to  
25 drive, or a restricted driving permit issued under this  
26 Code;

1           12. Has submitted to any portion of the application  
2 process for another person or has obtained the services of  
3 another person to submit to any portion of the application  
4 process for the purpose of obtaining a license,  
5 identification card, or permit for some other person;

6           13. Has operated a motor vehicle upon a highway of this  
7 State when the person's driver's license or permit was  
8 invalid under the provisions of Sections 6-107.1 and 6-110;

9           14. Has committed a violation of Section 6-301,  
10 6-301.1, or 6-301.2 of this Act, or Section 14, 14A, or 14B  
11 of the Illinois Identification Card Act;

12           15. Has been convicted of violating Section 21-2 of the  
13 Criminal Code of 1961 or the Criminal Code of 2012 relating  
14 to criminal trespass to vehicles in which case, the  
15 suspension shall be for one year;

16           16. Has been convicted of violating Section 11-204 of  
17 this Code relating to fleeing from a peace officer;

18           17. Has refused to submit to a test, or tests, as  
19 required under Section 11-501.1 of this Code and the person  
20 has not sought a hearing as provided for in Section  
21 11-501.1;

22           18. Has, since issuance of a driver's license or  
23 permit, been adjudged to be afflicted with or suffering  
24 from any mental disability or disease;

25           19. Has committed a violation of paragraph (a) or (b)  
26 of Section 6-101 relating to driving without a driver's

1 license;

2 20. Has been convicted of violating Section 6-104  
3 relating to classification of driver's license;

4 21. Has been convicted of violating Section 11-402 of  
5 this Code relating to leaving the scene of an accident  
6 resulting in damage to a vehicle in excess of \$1,000, in  
7 which case the suspension shall be for one year;

8 22. Has used a motor vehicle in violating paragraph  
9 (3), (4), (7), or (9) of subsection (a) of Section 24-1 of  
10 the Criminal Code of 1961 or the Criminal Code of 2012  
11 relating to unlawful use of weapons, in which case the  
12 suspension shall be for one year;

13 23. Has, as a driver, been convicted of committing a  
14 violation of paragraph (a) of Section 11-502 of this Code  
15 for a second or subsequent time within one year of a  
16 similar violation;

17 24. Has been convicted by a court-martial or punished  
18 by non-judicial punishment by military authorities of the  
19 United States at a military installation in Illinois of or  
20 for a traffic related offense that is the same as or  
21 similar to an offense specified under Section 6-205 or  
22 6-206 of this Code;

23 25. Has permitted any form of identification to be used  
24 by another in the application process in order to obtain or  
25 attempt to obtain a license, identification card, or  
26 permit;

1           26. Has altered or attempted to alter a license or has  
2 possessed an altered license, identification card, or  
3 permit;

4           27. Has violated Section 6-16 of the Liquor Control Act  
5 of 1934;

6           28. Has been convicted for a first time of the illegal  
7 possession, while operating or in actual physical control,  
8 as a driver, of a motor vehicle, of any controlled  
9 substance prohibited under the Illinois Controlled  
10 Substances Act, any cannabis prohibited under the Cannabis  
11 Control Act, or any methamphetamine prohibited under the  
12 Methamphetamine Control and Community Protection Act, in  
13 which case the person's driving privileges shall be  
14 suspended for one year. Any defendant found guilty of this  
15 offense while operating a motor vehicle, shall have an  
16 entry made in the court record by the presiding judge that  
17 this offense did occur while the defendant was operating a  
18 motor vehicle and order the clerk of the court to report  
19 the violation to the Secretary of State;

20           29. Has been convicted of the following offenses that  
21 were committed while the person was operating or in actual  
22 physical control, as a driver, of a motor vehicle: criminal  
23 sexual assault, predatory criminal sexual assault of a  
24 child, aggravated criminal sexual assault, criminal sexual  
25 abuse, aggravated criminal sexual abuse, juvenile pimping,  
26 soliciting for a juvenile prostitute, promoting juvenile

1 prostitution as described in subdivision (a) (1), (a) (2),  
2 or (a) (3) of Section 11-14.4 of the Criminal Code of 1961  
3 or the Criminal Code of 2012, and the manufacture, sale or  
4 delivery of controlled substances or instruments used for  
5 illegal drug use or abuse in which case the driver's  
6 driving privileges shall be suspended for one year;

7 30. Has been convicted a second or subsequent time for  
8 any combination of the offenses named in paragraph 29 of  
9 this subsection, in which case the person's driving  
10 privileges shall be suspended for 5 years;

11 31. Has refused to submit to a test as required by  
12 Section 11-501.6 of this Code or Section 5-16c of the Boat  
13 Registration and Safety Act or has submitted to a test  
14 resulting in an alcohol concentration of 0.08 or more or  
15 any amount of a drug, substance, or compound resulting from  
16 the unlawful use or consumption of cannabis as listed in  
17 the Cannabis Control Act, a controlled substance as listed  
18 in the Illinois Controlled Substances Act, an intoxicating  
19 compound as listed in the Use of Intoxicating Compounds  
20 Act, or methamphetamine as listed in the Methamphetamine  
21 Control and Community Protection Act, in which case the  
22 penalty shall be as prescribed in Section 6-208.1;

23 32. Has been convicted of Section 24-1.2 of the  
24 Criminal Code of 1961 or the Criminal Code of 2012 relating  
25 to the aggravated discharge of a firearm if the offender  
26 was located in a motor vehicle at the time the firearm was

1 discharged, in which case the suspension shall be for 3  
2 years;

3 33. Has as a driver, who was less than 21 years of age  
4 on the date of the offense, been convicted a first time of  
5 a violation of paragraph (a) of Section 11-502 of this Code  
6 or a similar provision of a local ordinance;

7 34. Has committed a violation of Section 11-1301.5 of  
8 this Code or a similar provision of a local ordinance;

9 35. Has committed a violation of Section 11-1301.6 of  
10 this Code or a similar provision of a local ordinance;

11 36. Is under the age of 21 years at the time of arrest  
12 and has been convicted of not less than 2 offenses against  
13 traffic regulations governing the movement of vehicles  
14 committed within any 24 month period. No revocation or  
15 suspension shall be entered more than 6 months after the  
16 date of last conviction;

17 37. Has committed a violation of subsection (c) of  
18 Section 11-907 of this Code that resulted in damage to the  
19 property of another or the death or injury of another;

20 38. Has been convicted of a violation of Section 6-20  
21 of the Liquor Control Act of 1934 or a similar provision of  
22 a local ordinance;

23 39. Has committed a second or subsequent violation of  
24 Section 11-1201 of this Code;

25 40. Has committed a violation of subsection (a-1) of  
26 Section 11-908 of this Code;

1           41. Has committed a second or subsequent violation of  
2 Section 11-605.1 of this Code, a similar provision of a  
3 local ordinance, or a similar violation in any other state  
4 within 2 years of the date of the previous violation, in  
5 which case the suspension shall be for 90 days;

6           42. Has committed a violation of subsection (a-1) of  
7 Section 11-1301.3 of this Code or a similar provision of a  
8 local ordinance;

9           43. Has received a disposition of court supervision for  
10 a violation of subsection (a), (d), or (e) of Section 6-20  
11 of the Liquor Control Act of 1934 or a similar provision of  
12 a local ordinance, in which case the suspension shall be  
13 for a period of 3 months;

14           44. Is under the age of 21 years at the time of arrest  
15 and has been convicted of an offense against traffic  
16 regulations governing the movement of vehicles after  
17 having previously had his or her driving privileges  
18 suspended or revoked pursuant to subparagraph 36 of this  
19 Section;

20           45. Has, in connection with or during the course of a  
21 formal hearing conducted under Section 2-118 of this Code:  
22 (i) committed perjury; (ii) submitted fraudulent or  
23 falsified documents; (iii) submitted documents that have  
24 been materially altered; or (iv) submitted, as his or her  
25 own, documents that were in fact prepared or composed for  
26 another person;

1           46. Has committed a violation of subsection (j) of  
2           Section 3-413 of this Code; or

3           47. Has committed a violation of Section 11-502.1 of  
4           this Code.

5           For purposes of paragraphs 5, 9, 10, 12, 14, 19, 25, 26,  
6           and 27 of this subsection, license means any driver's license,  
7           any traffic ticket issued when the person's driver's license is  
8           deposited in lieu of bail, a suspension notice issued by the  
9           Secretary of State, a duplicate or corrected driver's license,  
10          a probationary driver's license or a temporary driver's  
11          license.

12          (b) If any conviction forming the basis of a suspension or  
13          revocation authorized under this Section is appealed, the  
14          Secretary of State may rescind or withhold the entry of the  
15          order of suspension or revocation, as the case may be, provided  
16          that a certified copy of a stay order of a court is filed with  
17          the Secretary of State. If the conviction is affirmed on  
18          appeal, the date of the conviction shall relate back to the  
19          time the original judgment of conviction was entered and the 6  
20          month limitation prescribed shall not apply.

21          (c) 1. Upon suspending or revoking the driver's license or  
22          permit of any person as authorized in this Section, the  
23          Secretary of State shall immediately notify the person in  
24          writing of the revocation or suspension. The notice to be  
25          deposited in the United States mail, postage prepaid, to the  
26          last known address of the person.

1           2. If the Secretary of State suspends the driver's  
2 license of a person under subsection 2 of paragraph (a) of  
3 this Section, a person's privilege to operate a vehicle as  
4 an occupation shall not be suspended, provided an affidavit  
5 is properly completed, the appropriate fee received, and a  
6 permit issued prior to the effective date of the  
7 suspension, unless 5 offenses were committed, at least 2 of  
8 which occurred while operating a commercial vehicle in  
9 connection with the driver's regular occupation. All other  
10 driving privileges shall be suspended by the Secretary of  
11 State. Any driver prior to operating a vehicle for  
12 occupational purposes only must submit the affidavit on  
13 forms to be provided by the Secretary of State setting  
14 forth the facts of the person's occupation. The affidavit  
15 shall also state the number of offenses committed while  
16 operating a vehicle in connection with the driver's regular  
17 occupation. The affidavit shall be accompanied by the  
18 driver's license. Upon receipt of a properly completed  
19 affidavit, the Secretary of State shall issue the driver a  
20 permit to operate a vehicle in connection with the driver's  
21 regular occupation only. Unless the permit is issued by the  
22 Secretary of State prior to the date of suspension, the  
23 privilege to drive any motor vehicle shall be suspended as  
24 set forth in the notice that was mailed under this Section.  
25 If an affidavit is received subsequent to the effective  
26 date of this suspension, a permit may be issued for the

1 remainder of the suspension period.

2 The provisions of this subparagraph shall not apply to  
3 any driver required to possess a CDL for the purpose of  
4 operating a commercial motor vehicle.

5 Any person who falsely states any fact in the affidavit  
6 required herein shall be guilty of perjury under Section  
7 6-302 and upon conviction thereof shall have all driving  
8 privileges revoked without further rights.

9 3. At the conclusion of a hearing under Section 2-118  
10 of this Code, the Secretary of State shall either rescind  
11 or continue an order of revocation or shall substitute an  
12 order of suspension; or, good cause appearing therefor,  
13 rescind, continue, change, or extend the order of  
14 suspension. If the Secretary of State does not rescind the  
15 order, the Secretary may upon application, to relieve undue  
16 hardship (as defined by the rules of the Secretary of  
17 State), issue a restricted driving permit granting the  
18 privilege of driving a motor vehicle between the  
19 petitioner's residence and petitioner's place of  
20 employment or within the scope of the petitioner's  
21 employment related duties, or to allow the petitioner to  
22 transport himself or herself, or a family member of the  
23 petitioner's household to a medical facility, to receive  
24 necessary medical care, to allow the petitioner to  
25 transport himself or herself to and from alcohol or drug  
26 remedial or rehabilitative activity recommended by a

1 licensed service provider, or to allow the petitioner to  
2 transport himself or herself or a family member of the  
3 petitioner's household to classes, as a student, at an  
4 accredited educational institution, or to allow the  
5 petitioner to transport children, elderly persons, or  
6 disabled persons who do not hold driving privileges and are  
7 living in the petitioner's household to and from daycare.  
8 The petitioner must demonstrate that no alternative means  
9 of transportation is reasonably available and that the  
10 petitioner will not endanger the public safety or welfare.  
11 Those multiple offenders identified in subdivision (b)4 of  
12 Section 6-208 of this Code, however, shall not be eligible  
13 for the issuance of a restricted driving permit.

14 (A) If a person's license or permit is revoked or  
15 suspended due to 2 or more convictions of violating  
16 Section 11-501 of this Code or a similar provision of a  
17 local ordinance or a similar out-of-state offense, or  
18 Section 9-3 of the Criminal Code of 1961 or the  
19 Criminal Code of 2012, where the use of alcohol or  
20 other drugs is recited as an element of the offense, or  
21 a similar out-of-state offense, or a combination of  
22 these offenses, arising out of separate occurrences,  
23 that person, if issued a restricted driving permit, may  
24 not operate a vehicle unless it has been equipped with  
25 an ignition interlock device as defined in Section  
26 1-129.1.

1 (B) If a person's license or permit is revoked or  
2 suspended 2 or more times within a 10 year period due  
3 to any combination of:

4 (i) a single conviction of violating Section  
5 11-501 of this Code or a similar provision of a  
6 local ordinance or a similar out-of-state offense  
7 or Section 9-3 of the Criminal Code of 1961 or the  
8 Criminal Code of 2012, where the use of alcohol or  
9 other drugs is recited as an element of the  
10 offense, or a similar out-of-state offense; or

11 (ii) a statutory summary suspension or  
12 revocation under Section 11-501.1; or

13 (iii) a suspension under Section 6-203.1;  
14 arising out of separate occurrences; that person, if  
15 issued a restricted driving permit, may not operate a  
16 vehicle unless it has been equipped with an ignition  
17 interlock device as defined in Section 1-129.1.

18 (C) The person issued a permit conditioned upon the  
19 use of an ignition interlock device must pay to the  
20 Secretary of State DUI Administration Fund an amount  
21 not to exceed \$30 per month. The Secretary shall  
22 establish by rule the amount and the procedures, terms,  
23 and conditions relating to these fees.

24 (D) If the restricted driving permit is issued for  
25 employment purposes, then the prohibition against  
26 operating a motor vehicle that is not equipped with an

1 ignition interlock device does not apply to the  
2 operation of an occupational vehicle owned or leased by  
3 that person's employer when used solely for employment  
4 purposes.

5 (E) In each case the Secretary may issue a  
6 restricted driving permit for a period deemed  
7 appropriate, except that all permits shall expire  
8 within one year from the date of issuance. The  
9 Secretary may not, however, issue a restricted driving  
10 permit to any person whose current revocation is the  
11 result of a second or subsequent conviction for a  
12 violation of Section 11-501 of this Code or a similar  
13 provision of a local ordinance or any similar  
14 out-of-state offense, or Section 9-3 of the Criminal  
15 Code of 1961 or the Criminal Code of 2012, where the  
16 use of alcohol or other drugs is recited as an element  
17 of the offense, or any similar out-of-state offense, or  
18 any combination of those offenses, until the  
19 expiration of at least one year from the date of the  
20 revocation. A restricted driving permit issued under  
21 this Section shall be subject to cancellation,  
22 revocation, and suspension by the Secretary of State in  
23 like manner and for like cause as a driver's license  
24 issued under this Code may be cancelled, revoked, or  
25 suspended; except that a conviction upon one or more  
26 offenses against laws or ordinances regulating the

1 movement of traffic shall be deemed sufficient cause  
2 for the revocation, suspension, or cancellation of a  
3 restricted driving permit. The Secretary of State may,  
4 as a condition to the issuance of a restricted driving  
5 permit, require the applicant to participate in a  
6 designated driver remedial or rehabilitative program.  
7 The Secretary of State is authorized to cancel a  
8 restricted driving permit if the permit holder does not  
9 successfully complete the program.

10 (c-3) In the case of a suspension under paragraph 43 of  
11 subsection (a), reports received by the Secretary of State  
12 under this Section shall, except during the actual time the  
13 suspension is in effect, be privileged information and for use  
14 only by the courts, police officers, prosecuting authorities,  
15 the driver licensing administrator of any other state, the  
16 Secretary of State, or the parent or legal guardian of a driver  
17 under the age of 18. However, beginning January 1, 2008, if the  
18 person is a CDL holder, the suspension shall also be made  
19 available to the driver licensing administrator of any other  
20 state, the U.S. Department of Transportation, and the affected  
21 driver or motor carrier or prospective motor carrier upon  
22 request.

23 (c-4) In the case of a suspension under paragraph 43 of  
24 subsection (a), the Secretary of State shall notify the person  
25 by mail that his or her driving privileges and driver's license  
26 will be suspended one month after the date of the mailing of

1 the notice.

2 (c-5) The Secretary of State may, as a condition of the  
3 reissuance of a driver's license or permit to an applicant  
4 whose driver's license or permit has been suspended before he  
5 or she reached the age of 21 years pursuant to any of the  
6 provisions of this Section, require the applicant to  
7 participate in a driver remedial education course and be  
8 retested under Section 6-109 of this Code.

9 (d) This Section is subject to the provisions of the  
10 Drivers License Compact.

11 (e) The Secretary of State shall not issue a restricted  
12 driving permit to a person under the age of 16 years whose  
13 driving privileges have been suspended or revoked under any  
14 provisions of this Code.

15 (f) In accordance with 49 C.F.R. 384, the Secretary of  
16 State may not issue a restricted driving permit for the  
17 operation of a commercial motor vehicle to a person holding a  
18 CDL whose driving privileges have been suspended, revoked,  
19 cancelled, or disqualified under any provisions of this Code.

20 (Source: P.A. 97-229, eff. 7-28-11; 97-333, eff. 8-12-11;  
21 97-743, eff. 1-1-13; 97-838, eff. 1-1-13; 97-844, eff. 1-1-13;  
22 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13; 98-103, eff.  
23 1-1-14; 98-122, eff. 1-1-14; revised 9-19-13.)".

24 (625 ILCS 5/11-503.1 new)

25 Sec. 11-503.1. Negligent driving.

1       (a) For purposes of this Section, a person is negligent, or  
2 acts negligently, when that person fails to be aware of a  
3 substantial and unjustifiable risk that circumstances exist or  
4 a result will follow and that failure constitutes a substantial  
5 deviation from the standard of care that a reasonable person  
6 would exercise in the situation.

7       (b) A person commits negligent driving if he or she  
8 operates a motor vehicle negligently and without due caution in  
9 a manner which endangers or is likely to endanger a person or  
10 property.

11       (c) A violation of this Section shall be a petty offense  
12 and subject to a fine not to exceed \$25."